

REMARKS

It is noted in the outstanding Office Action dated September 15, 2004, that the Examiner has indicated that claims 6 and 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason states for allowability of claims 6 and 7 is that the claims disclose the discharging conductor having a shape not found in the collected prior art of record.

Applicants express their heartfelt gratitude to the Examiner for indicating allowance of Claims 6 and 7.

While Claims 6 and 7 have been amended, the claims now depend directly or indirection from Claim 1 which is submitted to be in allowable condition as will be explained in detail hereinafter.

Claims 1 to 12 inclusive, all of the claims remaining in the application have been amended, either directly or indirectly, to more clearly define applicants' invention and distinguish the same from the prior art of record.

No new matter has been added.

Further, and in accordance with the Examiner's request, the Abstract has been rewritten.

Favorable consideration of the application, as amended, is respectfully requested.

Claims 1 and 12 were rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The problem resides in the use of the term "corona discharge" in the claims. Since the invention resides in the particular structure of apparatus for neutralizing the electrostatic charge in hydrocarbon fluids, it seemed prudent to delete the objected term from the claims since the term did not delineate structure. The claims in the application have been so amended to overcome the '112 rejection.

Claims 1, 2 and 8 have been rejected as being unpatentable under 35 U.S.C. 103(a) over Castellanos et al. in view of Flaynik et al. The Examiner stated that Castellanos et al. do not disclose conductive elements branching from an electrical conductor. In an endeavor to disclose such structural feature, the Examiner stated that the reference to Flaynik et al. discloses conductive elements (elements 18 in Fig. 7) branching from an electrical conductor (element 75 in Fig. 7). The Examiner concludes that it would have been obvious to one skilled in the art at the time the invention was made to have modified Castellanos et al. by adding the branched conductor according to Flaynik et al.

Applicants submit that the proposed combination of references does not result in applicants' invention. More specifically, applicants' invention, as now defined in the claims recites:

“an electrical conductor having a main conductive path and a plurality of cooperating electrically conductive paths extending from the main conductive path and terminating in a pointed configuration spaced from the main conductive path.”

The Flaynik et al. reference discloses a structure utilizing a separate housing 12, wherein metallic particles 18 are inserted into a conductive porous sack 75, or screen, then placed in a metallic or carbon steel fuel storage tank 76 supplying fuel to an internal combustion engine.

The disclosure of the use of separate metallic particles in a conductive sack of Flaynik et al. for the mesh sleeve 16 having diamond shaped openings 20 of Castellanos et al. does not teach nor in any manner suggest the applicants' structure. Applicants' structure is comprised of a conductor having a main path and a plurality of cooperating conductive paths terminating in a pointed configuration spaced from the main path. Clearly, applicants' integral conductor, as defined in the amended claims, is not taught by a plurality of separate metallic particles in a porous conductive sack having openings therein.

It is submitted that Claim 1 defines a structure not anticipated by the prior art and is directed toward patentable subject matter. Claims 2 and 8 which depend from Claim 1 should be allowed along with Claim 1.

The Examiner rejected Claims 3, 4, 9, and 11 under 35 U.S.C. 103(a) as being unpatentable over Castellanos et al. in view of Flaynik et al. and Danowski et al. Since Claims 3, 4, 9, and 11 contain all of the structural limitations of Claim 1, it is submitted that the dependent claims should be allowable along with Claim 1. The Examiner is requested to reconsider and withdraw the initial rejection of Claims 3, 4, 9, and 11.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Castellanos et al. in view of Flaynik et al., Danowski et al., and Bach et al. Bach et al. was cited to disclose the discharging conductor as an anti-static tinsel. It is submitted that since Claim 5 is dependent on Claim 1 and, therefore, contains all of the limitations of Claim 1 and all the intermediate claims, the claimed structure is not taught nor suggested by the combination of

references proposed by the Examiner. The claimed structure is clearly not obvious from the combination of references and is patentable. Reconsideration is respectfully requested.

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Castellanos et al. in view of Flaynik et al., Danowski et al., and Koch et al. Since the primary reference fails to disclose or suggest an electrical conductor having a main conductive path and a plurality of cooperating electrically conductive paths extending from the main conductive path and terminating in a pointed configuration spaced from the main conductive path, the proposed combination fails to make obvious the claimed structure, it is submitted that the secondary references do not disclose or provide any basis for rendering the claim obvious. The only possible way the Castellanos et al. reference could be modified is with the hindsight advantage of applicants' disclosure. Even with such hindsight the secondary references do not fill the void necessary to render the rejected claim obvious. Accordingly, reconsideration of the rejection of Claim 10 is respectfully requested.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Castellanos et al. Applicants reiterate the comments set forth in distinguishing Claim 1 over the disclosure of the Castellanos et al. reference. The reference to Miller merely discloses a perforated central tube surrounded by a series of filter material. However, there is no teaching nor suggestion of the distinctions of applicants' invention as discussed in some detail in applicants' remarks in respect of Claim 1.